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BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

1	IN THE MATTER OF)	
	COLUMBUS CLUB, INC.,)	
2)	PCHB No. 488
	Appellant,)	
3)	FINAL FINDINGS OF FACT,
	vs.)	CONCLUSIONS OF LAW
4)	AND ORDER
	PUGET SOUND AIR POLLUTION)	
5	CONTROL AGENCY,)	
)	
6	Respondent.)	
)	

8 THIS MATTER being an appeal of a \$50.00 civil penalty for an alleged
9 smoke emission violation of respondent's Regulation I; having come on
10 regularly for hearing before the Pollution Control Hearings Board on
11 the 14th day of March, 1974, at Tacoma, Washington; and appellant Columbus
12 Club, Inc. appearing through Lloyd Beaulaurier and respondent Puget Sound
13 Air Pollution Control Agency appearing through its attorney, Keith D.
14 McGoffin; and Board members present at the hearing being W. A. Gissberg
15 (presiding) and Mary Ellen McCaffree; and the Board having considered the
16 sworn testimony, exhibits, records and files herein and arguments of the
17 parties and having entered on the 21st day of March, 1974, its proposed
18 Findings of Fact, Conclusions of Law and Order, and the Board having


1 served said proposed Findings, Conclusions and Order upon all parties
2 herein by certified mail, return receipt requested and twenty days having
3 elapsed from said service; and

4 The Board having received no exceptions to said proposed Findings,
5 Conclusions and Order; and the Board being fully advised in the premises;
6 now therefore,

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed
8 Findings of Fact, Conclusions of Law and Order, dated the 21st day of
9 March, 1974, and incorporated by this reference herein and attached
10 hereto as Exhibit A, are adopted and hereby entered as the Board's
11 Final Findings of Fact, Conclusions of Law and Order herein.

12 DONE at Lacey, Washington this 16th day of April, 1974.

13 POLLUTION CONTROL HEARINGS BOARD

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15 W. A. GISSBERG, Member

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18 MARY ELLEN McCAFFREE, Member

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FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

1 IN THE MATTER OF)
2 COLUMBUS CLUB, INC.,)
3 Appellant,)
4 vs.)
5 PUGET SOUND AIR POLLUTION)
6 CONTROL AGENCY,)
7 Respondent.)

PCHB No. 488

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

8 This matter, an appeal of a \$50.00 civil penalty for an alleged
9 smoke emission violation of respondent's Regulation I, came before
10 the Pollution Control Hearings Board (W. A. Gissberg, presiding
11 officer and Mary Ellen McCaffree) at a formal hearing in the hearing
12 room of the Board of Industrial Insurance Appeals, 1502 Tacoma
13 Avenue South, Tacoma, Washington at 11:00 a.m. on March 14, 1974.

14 Appellant was represented by Lloyd Beaulaurier; respondent
15 appeared through its counsel, Keith D. McGoffin. Eugene Barker,
16 Olympia court reporter, recorded the proceedings.

17 Witnesses were sworn and testified. Exhibits were admitted.
18 Arguments were made.

EXHIBIT A

1 From testimony heard, exhibits examined and arguments considered,
2 the Pollution Control Hearings Board makes these

3 FINDINGS OF FACT

4 I.

5 At about 1:00 p.m. on November 19, 1973, from the red brick
6 chimney of the Knights of Columbus Building, 2315-6th Avenue, Tacoma,
7 Pierce County, Washington, there was emitted for at least six
8 consecutive minutes black smoke in the shade of No. 5 on the
9 Ringelmann Chart.

10 II.

11 Section 9.03 of respondent's Regulation I makes it unlawful
12 to cause or allow the emission of an air contaminant for more than
13 three minutes in any one hour of a shade darker than No. 2 on the
14 Ringelmann Chart.

15 III.

16 An inspector on respondent's staff, after observing the above-
17 described emission, issued Notice of Violation No. 8240 to appellant.
18 Subsequently and in connection therewith, appellant was served with
19 Notice of Civil Penalty No. 1274 in the amount of \$50.00 being
20 one-fifth of the maximum amount which respondent may invoke for a
21 violation of its Regulation I. That penalty is the subject of this
22 appeal.

23 IV.

24 Immediately upon being notified of the alleged violation,
25 appellant shut down the furnace and called a repairman. The furnace
26 is antiquated and it is planned that it will be replaced within the

27 FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

1 next three to four months. In the meantime, the appellant has engaged
2 a repairman to check the furnace every two weeks and has vacated the
3 living quarters in the building in order not to run the furnace
4 constantly.

5 V.

6 Respondent recommended that the civil penalty be suspended on
7 the condition that no other violations occur within six months of
8 the date of this Order.

9 From these Findings, the Pollution Control Hearings Board comes
10 to these

11 CONCLUSIONS

12 I.

13 Appellant was in violation of respondent's Regulation I as cited
14 in Notice of Violation No. 8240.

15 II.

16 Notice of Civil Penalty No. 1274 is reasonable and lenient, but
17 in view of appellant's correction of the problem and on the recommendation
18 of the respondent, further clemency is indicated.

19 Therefore, the Pollution Control Hearings Board issues this

20 ORDER

21 The appeal is denied, but the \$50.00 civil penalty is suspended
22 upon the condition that appellant not violate respondent's Regulation
23 I for six months from the date of this Order.

24
25
26 FINDINGS OF FACT,
27 CONCLUSIONS OF LAW,
AND ORDER

1 DATED this 21st day of March, 1974.

2 POLLUTION CONTROL HEARINGS BOARD

3 W. A. Gissberg
4 W. A. GISSBERG, Member
5

6 Mary Ellen McCaffree
7 MARY ELLEN McCAFFREE, Member
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26 FINDINGS OF FACT,
27 CONCLUSIONS OF LAW,
AND ORDER